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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/722,171	11/25/2000	Kia Silverbrook	NPP021US	3864
24011	7590	12/13/2004	EXAMINER	
SILVERBROOK RESEARCH PTY LTD 393 DARLING STREET BALMAIN, 2041 AUSTRALIA			PHAM, THIERRY L	
			ART UNIT	PAPER NUMBER
			2624	

DATE MAILED: 12/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/722,171	Applicant(s) SILVERBROOK ET AL.	
	Examiner Thierry L Pham	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment filed on 9/5/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18, 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

- This action is responsive to the following communication: an Amendment filed on 9/5/04.
- Claims 1-18, 20 are pending in application; claim 19 have been canceled; claim 20 is newly added.
- Objection to specification have been withdrawn.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 5, 9-18, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartstein (U.S. 6483695), Tabata et al (U.S. 6537324), and further in view of Dymetman et al (U.S. 6330976).

Regarding claim 1, Hartstein discloses an apparatus (refrigerator, fig. 1) enabling interaction with a network computer system (laptop computer system, fig. 1, col. 2, lines 35-45), the apparatus including:

- an appliance (refrigerator, fig. 1, col. 2, lines 25-35) for storing and cooling produce for use by an appliance user; and
- a printer (printer 42, fig. 1, col. 2, lines 45-55 and col. 4, lines 1-15) device integrated into said appliance, the printer device being operatively interconnectable with said network computer system, the printer device including a printer module operable to print (printer, fig. 1, for printing messages sent from the computer system and information related to an appliance, col. 3, lines 25-30 and col. 4, lines 1-15) at least one form delivered from said network computer system.

However, Harstein does not explicitly disclose the printer device being configured to receive indicating data from a sensing device operated by an appliance user, the sensing device,

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when placed in an operative position relative to said at least one form, sensing the indicating data.

Tabata, in the same field of endeavor for printing, discloses the printer device (printer 80, fig. 1) being configured to receive indicating data from a sensing device (scanner 60 for scanning coded data within the form as shown in fig. 2, fig. 1, col. 6, lines 58-67 to col. 7, lines 1-10) operated by an appliance user, the sensing device, when placed in an operative position relative to said at least one form (scanning coded data incorporated within the form, fig. 1, col. 6, lines 58-67 to col. 7, lines 1-10), sensing the indicating data (URL linkage coded information, fig. 2, col. 8, lines 15-50).

The combinations of Hartstein and Tabata fails to teach a printed form/document including a plurality of interactive elements and generating the indicating data by sensing coded data associated with the interactive element, the indicating data being indicative of an identity of the form and the interactive element.

Dymetman, in the same field of endeavor for printing system, teaches a printed document/form (printed document 2 and 102, fig. 1-2 and fig. 4) including a plurality of interactive elements (document 2 contains plurality of pid + loc, figs. 2-3, col. 9, lines 24-45 and col. 12, lines 30-65) and generating the indicating data by sensing (detection pointer 502, fig. 1) coded data (coded data encoded in the printed document, figs. 3, 5-6) associated with the interactive element, the indicating data being indicative of an identity (location of the form and digital page of the printed document, figs. 1-2, cols. 11-12) of the form and the interactive element.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Hartstein, Tabata as per teachings of Dymetman because of a following reason: (●) to provide appliance to access and retrieve various food preparation recipes and such recipes are printed by the printer that is incorporated in the refrigerator (Hartstein, col. 5, lines 20-35); (●) to increase interactivity with printed document and URLs encoded data (Dymetman, col. 5, lines 10-25).

Therefore, it would have been obvious to combine Hartstein, Tabata and Dymetman to obtain the invention as specified in claim 1.

Regarding claim 5, Dymetman further discloses an apparatus of claim 1, including said sensing device (detection device 502, fig. 1).

Regarding claim 9, Hartstein further discloses an apparatus according to claim 1, wherein said printer module is integrated into a door (fig. 1) of said appliance in a position readily accessible to said appliance user.

Regarding claim 10, Tabata further discloses an apparatus according to claim 1, wherein said printer module prints the coded data at the same time as printing the form (medium form with coded data, fig. 2).

Regarding claim 11, Tabata further discloses an apparatus according to claim 10, in which the coded data is substantially invisible in the visible spectrum (invisible inks are widely known in the art, Dymetman, col. 12, lines 16-25).

Regarding claim 12, Tabata further discloses an apparatus according to claim 1, in which, to cater for a form printed on multiple pages, the printer module includes a binding means for binding the pages (printer with binding means are widely known in the art).

Regarding claims 13-16, 18, Hartstein further discloses an apparatus according to claim 1, wherein the appliance includes at least one sensor to measure operating parameters (i.e temperature, figs. 3-4, col. 3, lines 60-67 and col. 4, lines 1-40), the at least one sensor and the printer device being operatively interconnectable, said one or more forms including appliance operation information.

Regarding claim 17, Harstein further discloses an apparatus according to claim 9, wherein the appliance includes an upper storage compartment and a lower storage compartment, each compartment accessible by way of a hinged door (fig. 2a), the printer module provided in the door of the upper storage compartment, and the door of said lower storage compartment

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providing a collector arranged to receive a printed document exiting from said printer module when both doors are in a closed position.

3. Claims 2-4, 6-8, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harstein Tabata, Dymetman as applied to claim 1 above, and further in view of Kasabach et al (U.S. 6628847).

Regarding claims 2-3, 20, the combinations of Harstein, Tabata, Dymetman teaches at least one form contains information conveyed to said appliance user and coded data indicative of an identity of the form and at least one reference point of the form, the sensing device, when placed in an operative position relative to the form, sensing the indicating data using at least some of the coded data (col. 6, lines 58-67 to col. 7, lines 1-10), but do not teach a sensing device for sensing its position relative to the form.

Kasabach, in the same field of endeavor for sensing device, teaches a sensing device for sensing its position relative to the form (position sensor for sensing the location of the sensing device relative to the form/paper, figs. 3-5, col. 3, lines 8-485).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Harstein, Tabata, and Dymetman as per teachings of Kasabach because of a following reason: (1) to accurately determine the exact location of the sensing device relative to the form to prevent positional errors.

Therefore, it would have been obvious to combine Harstein, Tabata and Dymetman with Kasabach to obtain the invention as specified in claims 2-3, 20.

Regarding claims 4 & 7, Tabata further discloses wherein said at least one form contains coded data indicative of an identity of the form, the sensing device containing data regarding identity of said appliance user (owner's ID, col. 8, lines 15-60), and sensing the data regarding the identity of the form using at least some of the coded data.

Regarding claim 6, Kasabach further teaches sensing device including a marking nib (ref. 16, fig. 1)

Regarding claim 8, Kasabach further teaches sensing device and printer device are configured for wireless communication there between of said indicating data (wireless communication, fig. 2, col. 7, lines 1-10).

Response to Arguments

4. Applicant's arguments filed 9/5/04 have been fully considered but they are not persuasive.

- Regarding previous claim 1, the applicants argued the combinations of Hartstein and Tabata are not combinable and are not in same analogous art.

In response to applicant's argument that Hartstein and Tabata is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, both reference teachings are toward a printing device and a communication system. Harstein teaches a printer incorporated in a refrigerator for printing out recipes downloaded from host computer and/or websites, wherein Tabata teaches a printer including a sensing device for sensing coded data printed on a medium form. One of ordinary skill in the art would replace the printer of Harstein with a printer as taught by Tabata to obtain the invention as recited by the applicants.

- Regarding claim 1, the applicants argued the cited prior art does not teach "printed document including plurality of interactive elements". In response, such limitations are not cited in previous claim 1.

- In addition, the applicants argued the cited prior arts fail to teach: a sensing device for sensing coded data associated with the interactive element, the indicating data being indicative of an identity of the form and interactive element.

In response, such limitations are not cited in previous claim 1.

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Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

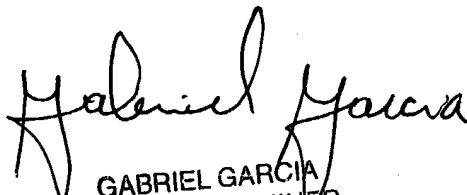
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L Pham whose telephone number is (703) 305-1897. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K Moore can be reached on (703)308-7452. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thierry L. Pham

TP


GABRIEL GARCIA
PRIMARY EXAMINER